

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy J. Daniel, *et al.*  
Serial No.: 10/675,568  
Filed: September 30, 2003  
Title: WAFER PEDESTAL COVER  
Grp./A.U.: 1792  
Examiner: Karla A. Moore  
Confirmation No.: 9978

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being electronically filed  
with United States Patent and trademark Office on:  
March 16, 2009 (Date)

Debbie Sams  
(Printed or typed name of person signing the certificate)

/Debbie Sams/  
(Signature of the person signing the certificate)

Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The Appellants have carefully considered this application in connection with the Examiner's Final Rejection electronically sent December 15, 2008, and the Advisory Action dated March 10, 2009. The Appellants respectfully request a pre-appeal brief review of this application in view of the following remarks.

### **REMARKS/ARGUMENTS**

The Appellants originally submitted Claims 1-14. In previous responses, Claims 2, 5-7 and 10-13 were canceled without prejudice or disclaimer and Claim 14 was withdrawn. Accordingly, Claims 1, 3-4, and 8-9 are currently pending in the application. In the Advisory Action of March 10, 2009, the Examiner indicated that the 35 U.S.C. §112, second paragraph rejection of Claims 1-5 and 8-9 of the Final Rejection of December 15, 2008 was overcome by the amendment entered from the response of February 16, 2009.

#### **I. Rejection of Claims 1-2, 4-5, and 9 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-2, 4-5, and 9 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,841,624 to Xu, *et al.* (hereinafter "Xu") in view of U.S. Patent No. 6,106,630 to Frankel (hereinafter "Frankel"), U.S. Patent No. 6,146,504 to Patadia, *et al.* (hereinafter "Patadia"), and U.S. Patent Application Publication No. 2001/0029895 by Hanamachi, *et al.* (hereinafter "Hanamachi"). The Appellants respectfully disagree since the cited portions of the cited combination of Xu, Frankel, Patadia, and Hanamachi, as applied by the Examiner, do not teach or suggest a removable, detachable pedestal slip cover comprising a first and second portion and do not teach or suggest a surface of a second portion of a removable, detachable pedestal slip cover that includes a peripheral circumferential groove that is parallel to and located below a top surface of a first portion of the removable, detachable pedestal slip cover as recited in independent Claim 1.

In the response of February 16, 2009, the Appellants indicated they failed to find where, in the Final Rejection of December 15, 2008, the Examiner asserted the cited combination of Xu, Frankel, Patadia, and Hanamachi taught or suggested the limitation "wherein a surface of the second

portion is parallel to and located below the top planar surface of the first portion and includes a peripheral circumferential groove” of independent Claim 1. In the Advisory Action of March 10, 2009, the Examiner responded that “...it is clearly pointed out in the office action that Xu is relied upon for teaching a second portion comprising a laterally extending sidewalls of pedestal cover, as claimed...” However, the Appellants find on page 4, item 10 of the Final Rejection of December 15, 2008 that the Examiner states “However, Xu et al. fail to teach the pedestal cover extending laterally beyond the sidewalls (i.e. a second portion).” This is not consistent with the assertion of the Advisory Action of March 10, 2009 noted above. Furthermore, there is no limitation in the claims that the pedestal cover extends laterally beyond the sidewalls in the pending claims. As such, the Appellants maintain that the Examiner has not shown that the cited combination teaches or suggests a removable, detachable pedestal slip cover comprising a second portion.

Also in the Advisory Action of March 10, 2009, the Examiner responded that “...regarding the aforementioned surface of the second portion located below the top planar surface of the first portion that also includes a peripheral circumferential groove, this teaching can be found in the disclosure of Patadia, as claimed and described in the office action.” In item 14 on page 5 of the Final Rejection of December 15, 2008 the Examiner recognizes that Xu and Frankel fail to teach the pedestal cover defining a circumferential groove therein in an upper surface of the second surface, wherein a circumference of the wafer extends radially inwardly of the groove. The Examiner, in item 15 on page 5 of the Final Rejection of December 15, 2008, asserts Patadia provides a peripheral circumferential deposit collection channel for the purpose of trapping deposit particles. The Appellants fail to find where the Examiner has shown a teaching or suggestion in Patadia that: 1) there is an upper surface of a second surface; and 2) that an upper surface of a second surface is

located below a top planar surface of a first portion as the Examiner asserts in the Advisory Action.

Patadia teaches, in Fig. 3, a partial sectional view of a substrate receiving portion of a support member 142, an upper surface 156 of the support member. Fig. 9 of Patadia, a partial sectional view of a peripheral portion of a substrate member 110, teaches a channel 116 disposed around a perimeter of a substrate receiving surface. Figs. 3 and 9 of Patadia show only one surface and, hence, do not teach a surface of a second portion parallel to and located below a top planar surface. For at least the reasons given above, the Examiner has not shown, nor do the Appellants find, a teaching or suggestion in the cited combination, including Patadia, of a surface of a second portion of a removable, detachable pedestal slip cover that includes a peripheral circumferential groove that is parallel to and located below a top surface of a first portion of the removable, detachable pedestal slip cover as the Examiner asserts.

As such, the Examiner has not provided a *prima facie* case of obviousness for independent Claim 1 and Claims that depend thereon with the cited combination of Xu, Frankel, Patadia, and Hanamachi. Accordingly, the Appellants respectfully request the Review Panel to remove the rejection of Claims 1-2, 4-5, and 9 and allow issuance of the pending claims.

## **II. Rejection of Claims 3 and 8 under 35 U.S.C. §103**

The Examiner has rejected Claim 3 and 8 under 35 U.S.C. §103(a) as being unpatentable over Xu, Frankel, Patadia, and Hanamachi as applied to Claims 1-2, 4-5, and 9 and in further view of: Applicants' admitted prior art for Claim 3; and U.S. Patent No. 5,656,093 to Burkhart, *et al.* (hereinafter "Burkhart"). As established above, the cited combination of Xu, Frankel, Patadia, and Hanamachi does not provide a *prima facie* case of obviousness for presently amended independent

Claim 1. The Examiner has not cited Applicants' admitted prior art or Burkhardt to cure the above-noted deficiencies of the cited combination but to teach an aluminum deposition target and the pedestal comprises stainless steel, respectively. (See Final Rejection of December 15, 2008, pages 7-8.) As such, the above cited combination and either Applicants' admitted prior art or Burkhardt, as applied by the Examiner, does not provide a *prima facie* case of obviousness for amended independent Claim 1 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claim 3 and 8 and allow issuance thereof.

### **III. Conclusion**

In view of the foregoing amendment and remarks, the Appellants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 3-4, and 8-9. The Appellants request the Reviewers to telephone the undersigned agent of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

**HITT GAINES, PC**






Steven J. Hanke  
Registration No. 58,076

Dated: March 16, 2009

P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| PRE-APPEAL BRIEF REQUEST FOR REVIEW   |   | Docket Number (Optional)<br>BUCKFELLER 17-4-2-4 |  |  |   |   |   |   |   |
|---|---|---|--|--|---|---|---|---|---|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]<br>on <u>March 16, 2009</u><br>Signature <u>/Debbie Sams/</u><br><br>Typed or printed name <u>Debbie Sams</u>   | Application Number<br><br>10/675,568  | Filed<br><br>September 30, 2003                 |  |  |   |   |   |   |   |
|   | First Named Inventor<br><br>Timothy J. Daniel   |   |  |  |   |   |   |   |   |
|   | Art Unit<br><br>1792  | Examiner<br><br>Karla A. Moore                  |  |  |   |   |   |   |   |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).<br/>Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td rowspan="4"><br/>_____<br/>Signature<br/>Steven J. Hanke<br/>_____<br/>Typed or printed name<br/>972-480-8800<br/>_____<br/>Telephone number<br/>March 16, 2008<br/>_____<br/>Date</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest.<br/>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br/>(Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record.<br/>Registration number <u>58,076</u></td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br/>Registration number if acting under 37 CFR 1.34 _____</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.<br/>Submit multiple forms if more than one signature is required, see below*.</p> <table border="1"><tr><td><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</td></tr></table> |   |   |  | <input type="checkbox"/> applicant/inventor. | <br>_____<br>Signature<br>Steven J. Hanke<br>_____<br>Typed or printed name<br>972-480-8800<br>_____<br>Telephone number<br>March 16, 2008<br>_____<br>Date | <input type="checkbox"/> assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br>(Form PTO/SB/96) | <input checked="" type="checkbox"/> attorney or agent of record.<br>Registration number <u>58,076</u> | <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34 _____ | <input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted. |
| <input type="checkbox"/> applicant/inventor.  | <br>_____<br>Signature<br>Steven J. Hanke<br>_____<br>Typed or printed name<br>972-480-8800<br>_____<br>Telephone number<br>March 16, 2008<br>_____<br>Date |   |  |  |   |   |   |   |   |
| <input type="checkbox"/> assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br>(Form PTO/SB/96)   |   |   |  |  |   |   |   |   |   |
| <input checked="" type="checkbox"/> attorney or agent of record.<br>Registration number <u>58,076</u>   |   |   |  |  |   |   |   |   |   |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34 _____   |   |   |  |  |   |   |   |   |   |
| <input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.   |   |   |  |  |   |   |   |   |   |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.